

ZONING BOARD  
OF  
APPEALS  
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TOWN HALL ANNEX  
238 Danbury Road  
Wilton, Connecticut 06897

**ZONING BOARD OF APPEALS  
REGULAR MEETING  
MARCH 21, 2011  
7:15 P.M.  
TOWN HALL ANNEX - MEETING ROOM A**

**PRESENT:** Miriam Sayegh, Chairwoman; Barbara Frees, Vice-Chairman; Lori Bufano, Secretary; John Comiskey; Joe Fiteni; Peter Shiue, Alternate

**ABSENT:** Stephen Davidson

**A. CALL TO ORDER**

Ms. Sayegh called the meeting to order at 7:21 P.M. She briefly reviewed the hearing process for applications that come before the Zoning Board of Appeals.

**B. PUBLIC HEARINGS**

**1. #11-03-02 CROWTHER 45 BELDEN HILL ROAD**

Ms. Sayegh called the Hearing to order at 7:21 P.M., seated members Bufano, Comiskey, Frees, Sayegh, and Shiue, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest. Ms. Bufano read the legal notice dated March 8, 2011 and details of the application and the hardship as described on the application.

Present were Clarissa Cannavino, attorney; and Mr. and Mrs. Ivan Crowther, applicants/owners.

Ms. Cannavino stated that the applicant wishes to provide an interior connection between the garage office (located above the detached garage) and the residence so as to avoid use of an existing outdoor stairway and uncovered walkway. She noted that Mrs. Crowther has slipped and fallen on several occasions during inclement weather while walking from her garage office back to the house. As part of the proposed addition, Ms. Cannavino explained that the applicant would also like to provide separate access/doorways to each

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of the children's bedrooms to avoid having to walk through one bedroom to access the other, which is the current floor plan configuration.

She reviewed the hardships inherent in the subject application, noting that the 0.518-acre parcel is an undersized parcel in a two-acre (R-2A) zoning district; the residence, which was built in 1860, predates Town zoning regulations; and the land slopes steeply in the rear. She explained that while the applicant is requesting a 27-foot side yard setback, no part of the proposed addition will be further into the setback than currently exists since the residence currently sits 27 feet from the side property line. She noted that an addition anywhere else on the property would result in an even greater infringement into the setback.

Ms. Cannavino noted further that the original application had requested 10.7% building coverage, but had since been reduced to 10.0% due to the applicant's proposed removal of an existing shed and deck on the property. She noted that the homeowner spoke with all surrounding neighbors and no opposition was expressed.

In response to questions from the Board, Mr. and Mrs. Crowther estimated the current square footage of the home to be about 1956 square feet, with a proposed addition of about 250-270 square feet.

In response to questions from Mr. Comiskey regarding the historical status of the site, Mrs. Crowther stated that her architect indicated that the property lost its historical standing when a garage addition was constructed in 1993. Ms. Cannavino stated that the architect did his due diligence and determined that the site is not subject to any historic restrictions/limitations. Mr. Comiskey noted that the Board does not sit as an historic commission, but he encouraged the applicant to confirm its understanding of the historical status of the site prior to beginning any construction.

Mr. Comiskey expressed concern about the proposed building coverage of 10%, which he noted is roughly 22% larger than existing coverage. He felt that the guest bedroom, bath, and other areas included as part of the proposed addition go considerably beyond just providing a connection from the garage office to the residence, as indicated by the applicant.

Ms. Sayegh asked if there is any way to reduce the building coverage as proposed, referring to the drainage impact that building/site coverage has on a property.

Ms. Cannavino referred to the hardship of the undersized .518-acre parcel, noting that any addition would result in greater coverage on the site. She also noted that water flow would follow the same route down the slope in the rear as it currently does and would not have any additional impacts on the surrounding neighborhood. She emphasized that the proposed addition would not go further into the setback than currently exists, and the

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applicant's proposed removal of an existing shed and deck would reduce building coverage further.

In response to questions from the Board, Mr. Crowther indicated that the width of the proposed addition in the rear would be approximately 16 feet.

Ms. Frees observed that the gravel drive located in the front of the property is actually Town-owned land, which she felt was part of the coverage problem. She noted that if that .11-acre driveway portion were able to be factored into the site's total acreage, the overall coverage percentages would be lower.

Ms. Sayegh noted that no one in the audience was present to speak for or against the application.

Ms. Cannavino concluded by noting again the property's hardships/constraints, including steep slopes, pre-existing nonconforming location of the residence, and the undersized nature of the parcel which is located in a 2-acre zone. She also noted the safety issue/lack of connection to the office garage and the bedroom configuration issue.

Ms. Cannavino noted for the record that surveyor Roland Gardner had recalculated the revised coverage numbers in connection with the proposed removal of the existing deck and shed.

There being no further comments, the public hearing was closed at 7:53 P.M.

### **C. APPLICATIONS READY FOR REVIEW AND ACTION**

Ms. Sayegh called the Regular Meeting to order at 7:53 P.M., seated members Bufano, Comiskey, Frees, Sayegh and Shiue, and referred to Connecticut General Statutes, Section 8-11, Conflict of Interest.

#### **1. #11- 03-02 CROWTHER 45 BELDEN HILL ROAD**

The Board discussed the application in detail.

Mr. Fiteni felt that the 27-foot side yard setback was a reasonable request and supportable by sufficient hardship since the residence sits within the setback currently. However, he was doubtful that sufficient hardship was demonstrated in connection with the requested 10% building coverage since he felt the proposed addition could be reduced somewhat and an adequate connection still be provided.

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Mr. Shiue felt that adequate hardship was proved for both variances. He cited the under-sized nature of the lot, the location of the residence on the property, the severe slope, and the location of the septic/well as constraining factors towards justifying the requested variances. He did not feel that the proposed addition to the house was in any way overly ambitious.

Ms. Bufano agreed, noting her opinion that sufficient hardship was proved.

Ms. Frees concurred, citing the severely undersized nature of the lot and the age of the residence, noting that the variances requested were not unreasonable. She stated that she is particularly sensitive to older homes in Town and the current trend of tearing them down in order to build larger, more modern homes. She felt that anything that can reasonably be done to allow these older homes to function in a modern way is appropriate and to the benefit of the Town overall.

Ms. Sayegh and Mr. Comiskey both expressed concerns with respect to the building coverage proposed, although Ms. Sayegh did acknowledge the hardship of the small-sized lot and the fact that such a coverage level would be permitted in a one-acre zone. Mr. Comiskey was concerned that a precedent could potentially be set in connection with granting such a substantial coverage variance on such a small-sized lot.

Ms. Sayegh and Mr. Shiue both noted that the issue of precedence should not be relevant since the Board must consider each application on its individual merits and on a case by case basis.

Ms. Frees noted further that the driveway portion of the parcel that is owned by the Town (and not by the applicant) is an aspect of this application that makes it particularly unique and allows the coverage to feel as if it is less than the 10% proposed.

MOTION was made by Ms. Frees, seconded by Mr. Shiue, and carried unanimously (5-0) to **grant** the variances to allow an addition with a 27-foot side yard setback in lieu of the 40 feet required; and to allow 10% building coverage in lieu of the 7% permitted; on grounds that sufficient hardship was demonstrated due to the severely undersized nature of the lot which is located in a two-acre (R-2A) zoning district; the fact that the residence was constructed prior to the establishment of zoning regulations; the existence of steep slopes in the rear of the parcel; and the constraints of both the septic and well locations on the site.

**D. OTHER BUSINESS**

**1. Approval of Minutes – February 22, 2011**

MOTION was made by Ms. Bufano, seconded by Mr. Fiteni, and carried (4-0-2) to approve the minutes of February 22, 2011. Board members Comiskey and Frees abstained.

**E. ADJOURNMENT**

MOTION was made by Ms. Bufano, seconded by Ms. Frees, and carried unanimously (6-0) to adjourn at 8:18 P.M.

Respectfully submitted,

Lorraine Russo  
Recording Secretary